

REMARKS

The Final Office Action mailed April 16, 2007, has been received and reviewed. Claims 31 through 38 and 40 through 50 are currently pending in the application. Claims 34, 35, 49 and 50 are allowed. Claims 31 through 33, 40 and 45 stand rejected. Claims 36 through 38, 41 through 44 and 46 through 48 have been objected to as being dependent upon rejected base claims, but the indication of allowable subject matter in such claims is noted with appreciation. Applicants propose to amend claims 31, 33, 34, 40, 42-45, 47 and 48. Claims 36-38, 41 and 46 have been canceled. New claims 51 and 52 are added. No new matter is added. Reconsideration is respectfully requested.

Claim Objections

Claim 34 is objected to because of informalities. Appropriate corrections have been made. Reconsideration and withdrawal of the rejection is requested.

35 U.S.C. § 102(e) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 6,077,774 to Hong et al.

Claims 31, 33, 40 and 45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hong et al. (U.S. Patent No. 6,077,774). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 36 was indicated as containing allowable subject matter if rewritten in independent form. The elements of claim 36 have been incorporated into claim 31 and claim 36 has been canceled. Accordingly, claim 31 is in condition for allowance.

Dependent claim 33 is allowable, at least for the same reasons as claim 31.

Claim 41 was indicated as containing allowable subject matter if rewritten in independent

form. The elements of claim 41 have been incorporated into claim 40 and claim 41 has been canceled. Accordingly, claim 40 is in condition for allowance.

Claim 46 was indicated as containing allowable subject matter if rewritten in independent form. The elements of claim 46 have been incorporated into claim 45 and claim 46 has been canceled. Accordingly, claim 45 is in condition for allowance.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 6,077,774 to Hong et al. in view of U.S. Patent No. 5,780,908 to Sekiguchi et al.

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hong et al. (U.S. Patent No. 6,077,774) in view of Sekiguchi et al. (U.S. Patent No. 5,780,908). Applicants respectfully traverse this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

The nonobviousness of independent claim 31 precludes a rejection of claim 32 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to dependent claim 32.

Objections to Claims 36 through 38, 41 through 44 and 46 through 48/Allowable Subject

Matter

Claims 36 through 38, 41 through 44 and 46 through 48 stand objected to as being dependent upon rejected base claims, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Claim 36 has been canceled and the elements were incorporated into independent claim 31. New claims 51 and 52 are claims 37 and 38 written in independent form. Claim 41 has been canceled and the elements were incorporated into independent claim 40. Claim 46 has been canceled and the elements were incorporated into independent claim 45. Applicants submit that independent claims 31, 40 and 45 are in condition for allowance.

ENTRY OF AMENDMENTS

The proposed amendments to claims 31, 33, 34, 40, 42-45, 47 and 48 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 31-35, 40, 42-45, and 47-52 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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